

**RESOLUTION NO. \_\_\_\_\_****A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS APPROVING GENERAL PLAN TEXT AMENDMENT NO. GP13-0002 TO CREATE A SECTION ENTITLED “GREENHOUSE GAS EMISSIONS REDUCTION STRATEGY” WITHIN THE LAND USE ELEMENT OF THE CITY’S GENERAL PLAN ADDRESSING THE CITY’S ADOPTED CLIMATE ACTION PLAN**

**WHEREAS**, on February 15, 2011, the Climate Action Plan (“CAP”) project was initiated to streamline environmental review of future development projects in the City of Milpitas (“City”) consistent with the California Environmental Quality Act (“CEQA”) Guidelines Section 15183.5(b) and the Bay Area Air Quality Management District (“BAAQMD”) CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State-recommended greenhouse gas (“GHG”) emissions reduction target of 15% below 2005 emissions levels by 2020; and

**WHEREAS**, on April 10, 2013, the Planning Commission held a duly noticed public hearing on the Climate Action Plan at which time the Planning Commission considered a written staff report as to the proposed application and its conformity with the requirements of the Milpitas Municipal Code, the Negative Declaration, written and oral comments on the Negative Declaration and CAP, and all other oral and written comments presented to it. Based on this evidence, the Planning Commission recommended that the City Council adopt the Climate Action Plan, proposed General Plan Text Amendments (GP13-0002) and the Negative Declaration (Resolution No. 13-014).

**WHEREAS**, on January 6, 2015, the City Council held a duly noticed public hearing and adopted the Project’s Negative Declaration and adopted Resolution No. 8252 approving the City’s Climate Action Plan.

**WHEREAS**, the General Plan will be amended by this Resolution to create a section entitled “Greenhouse Gas Emissions Reduction Strategy” within the Land Use Element of the City’s General Plan addressing the City’s Adopted Climate Action Plan;

**NOW, THEREFORE**, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Council has reviewed and exercised its independent judgment on the environmental assessment completed for the General Plan Amendment to create a section referencing the adopted Climate Action Plan in accordance with the requirements of the CEQA, and State and local guidelines implementing CEQA, and determined that the General Plan Amendment to create a section referencing the adopted Climate Action Plan will not have a significant effect on the environment under CEQA and State and local guidelines implementing CEQA. The General Plan Amendment is not subject to further CEQA review since the General Plan Amendment is covered by the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. It can be seen with certainty that that there is no possibility that the amendment in question may have a significant impact on the environment. The General Plan Amendment references an adopted policy document and restates its goals within the Land Use Element. The adopted Climate Action Plan included an adopted Negative Declaration adopted by the City Council on May 7, 2013, and a Notice of Determination that was filed on May 16, 2013, which are both fully incorporated herein by reference.
3. General Plan Amendment Findings. In accordance with Municipal Code Section XI-10-57.02(G)(1), the City Council further finds that:
  - a. *The proposed amendment is internally consistent with those portions of the General Plan which are not being amended.*

The proposed Greenhouse Gas Emissions Reduction Section will acknowledge the adopted Climate Action Plan and restate its purpose and goals. The Climate Action Plan is a policy document that provides measures to reduce greenhouse gas emissions to 15 percent below 2005 emissions levels by 2020. The proposed amendment does not conflict with other sections of the Milpitas General Plan. The proposed Milpitas General Plan Amendment provides for a description of the Climate Action Plan, its purpose and goals.

Additionally, the proposed General Plan Amendment supports the following Land Use Principles and Policies in the General Plan:

2.a-G-2: Maintain a relatively compact urban form. Emphasize mixed-use development to the extent feasible, to achieve service efficiencies from compact development patterns and to maximize job development and commercial opportunities near residential development.

2.a.G-6: Implement the Midtown Specific Plan goals, policies and development standards and guidelines to create a mixed-use community that includes high-density, transit oriented housing and a central community gather place while maintaining needed industrial, service and commercial uses.

The proposed Greenhouse Gas Emissions Reduction Section acknowledges and restates the purpose and goals of the adopted Climate Action Plan and encourages compact urban growth, mixed use and transit oriented development. The Principles and Policies and their Implementing Policies are consistent.

b. *The proposed amendment will not adversely affect the public health, safety, and welfare.*

The General Plan Amendment is not subject to further CEQA review since the General Plan Amendment is covered by the general rule that CEQA applies only to projects, which have the potential for causing significant effect on the environment. It can be seen with certainty that there is no possibility that the amendment in question may have a significant impact on the environment. The General Plan Amendment references an adopted policy document and restates its goals within the Land Use Element to reduce greenhouse gas emission as recommended by the State of California to improve public health, safety, and welfare. The adopted Climate Action Plan included an adopted Negative Declaration and a Notice of Determination on file with the City. Through the administration of the Climate Action Plan, the City will evaluate an adverse impact the proposed project may have on the public health, safety, and welfare.

4. Based on the foregoing, the City Council of the City of Milpitas hereby approves General Plan Amendment No. GP13-0002, subject to the above Findings and the General Plan Text Amendment attached hereto as **Exhibit 1.**

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

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Mary Lavelle, City Clerk

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Jose S. Esteves, Mayor

APPROVED AS TO FORM:

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Michael J. Ogaz, City Attorney

## **Exhibit 1**

### **General Plan Text Amendment**

1. The Milpitas General Plan shall be amended to replace the existing Section 2.6 entitled “Land Use Principles and Policies” with a new Section 2.6 entitled “Climate Action Plan” to read in its entirety as follows:

#### **2.6 Greenhouse Gas Emissions Reduction Strategy**

##### **Climate Action Plan**

The City is taking a proactive approach in addressing greenhouse gas emission reduction by developing a Climate Action Plan (CAP). The CAP is designed to streamline environmental review of future projects consistent with the California Environmental Quality Act (CEQA), State and local laws implementing CEQA, and the Bay Area Quality Management District CEQA Air Quality Guidelines. The CAP identifies a strategy, reduction measures, and implementation strategies the City will use to achieve the State recommended greenhouse gas emissions reduction target of fifteen percent (15%) below 2005 emissions levels by 2020.

##### **Baseline Greenhouse Gas Emissions**

The community greenhouse gas emission inventory found that an estimated 642,050 metric tons of carbon dioxide equivalent (MTCO<sub>2</sub>e) were released in the City in 2005, the baseline year. The largest source of emissions was the transportation sector, with approximately fifty percent (50%) of all emissions. The energy sector comprised of approximately thirty-nine percent (39%), solid waste comprised of eight percent (8%), and off-road equipment comprised of two percent (2%).

##### **Projected Greenhouse Gas Emissions Forecast**

Emissions in the State overall are expected to grow by 2020 because of population growth, consumption and commercial activity. It is also expected that State required reductions to improve fuel efficiency and Building Code standards for energy conservation will help reduce the forecast. The projected forecast in 2020 for greenhouse gas emissions for Milpitas is 625,520 MTCO<sub>2</sub>e.

##### **Greenhouse Gas Emissions Reduction Target**

To achieve a fifteen percent (15%) reduction of the baseline by 2020 a reduction of 79,780 MTCO<sub>2</sub>e is necessary. The CAP provides a strategy of reducing greenhouse gas emissions by focusing on Existing Activities, Energy, Water, Transportation & Land Use, Solid Waste and Off-Road Equipment. The CAP projects that by 2020 a 16.2 percent (16.2%) reduction in greenhouse gas emissions should occur.

2. The Milpitas General Plan shall be amended to renumber the existing Section 2.6 entitled “Land Use Principles and Policies” to a new Section 2.7. No text changes are made to the new Section 2.7 entitled “Land Use Principles and Policies.”